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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,832	01/14/2004	Herbert W. Virgin	60005161-0168	5585

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EXAMINER

CHEN, STACY BROWN

ART UNIT

PAPER NUMBER

1648

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Supplemental  
Notice of Allowability**

Application No.

10/757,832

Examiner

Stacy B. Chen

Applicant(s)

VIRGIN, HERBERT W.

Art Unit

1648

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to December 22, 2005.
2. ☒ The allowed claim(s) is/are 36,64-66 and 68-70.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date attached.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

**SUPPLEMENTAL EXAMINER'S AMENDMENT**

A supplemental examiner's amendment to the record appears below. Authorization for this examiner's amendment was given in a telephone interview with Applicant's representative, Saul Zackson, on April 3-5, 2006. The application has been amended as follows:

**IN THE CLAIMS:**

Cancel claims 63 and 67.

Claim 36 has been amended to the following:

--36. (currently amended) A method for determining whether a mouse has been is infected with murine norovirus-1 (MNV-1), the method comprising determining presence, absence or quantity of antibody against MNV-1 in a fluid or tissue sample of a mouse, whereby presence in the sample of antibody against MNV-1 indicates that the mouse has been infected with MNV-1, by:

- a) contacting the fluid or tissue sample with at least one MNV-1 polypeptide; and
- b) detecting binding of the at least one MNV-1 polypeptide to antibody against MNV-1 if present in the sample, wherein the antibody binds to MNV-1 deposited as American Type Culture Collection (ATCC) Deposit No. PTA-5935 or to a polypeptide encoded by the genome of the deposited MNV-1.--

Claim 64 has been amended to the following:

--64. (currently amended) A method in accordance with claim 36, wherein detecting binding comprises detecting MNV-1 antibody bound to the at least one MNV-1 polypeptide with a labeled antibody that detects presence of mouse antibody.--

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Claim 65 has been amended to the following:

--65. (currently amended) A method in accordance with claim 36, wherein the at least one MNV-1 polypeptide is immobilized on a solid immunosorbent surface.--

Claim 68 has been amended to the following:

--68. (currently amended) A method in accordance with claim 36, wherein the fluid or tissue sample of the mouse is a serum sample of the mouse.--

Claim 69 has been amended to the following:

--69. (currently amended) A method in accordance with claim 36, wherein the at least one MNV-1 polypeptide comprises at least 20 contiguous amino acids.--

Claim 70 has been amended to the following:

--70. (currently amended) A method in accordance with claim 36, wherein the at least one MNV-1 polypeptide is an MNV-1 capsid protein.--

***Examiner's Comment***

Claims 63 and 67 have been cancelled without prejudice or disclaimer. Claim 36 has been amended in order to clarify the claimed subject matter. Claims 64, 65 and 68-70 have been amended in order to correct claim dependency.

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***Conclusion***

Claims 36, 64-66 and 68-70 are allowable. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stacy B. Chen whose telephone number is 571-272-0896. The examiner can normally be reached on M-F (7:00-4:30). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James C. Housel can be reached on 571-272-0902. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

*Stacy B. Chen 4/10/2006*

Stacy B. Chen  
Primary Examiner  
April 10, 2006